

FILED IN OFFICE

IN THE CIRCUIT COURT OF BULLOCK COUNTY, ALABAMA APR 03 2006

DENNESS R. ELLIS)

Plaintiff,)

-vs-)

CIVIL ACTION NO. CV-

LIBERTY MUTUAL FIRE INS. CO.,)
MARY E. AUSTIN,)
fictitious defendants A, B, C, D, and E,)
being those persons, companies, or other)
entities who caused or contributed to)
cause the injuries and damages alleged)
herein through their negligent and/or)
intentional conduct and/or who are the)
successors in interest to any of the named)
Defendants and/or who had supervisory)
control or the duty to supervise any of)
the named Defendants, and F, G, H, I)
and J, said fictitious defendants being)
those corporations, partnerships, other)
business entities or other individuals who)
conspired with the named Defendants to)
further the conduct described in the)
complaint and/or who acted either)
independently or participated with)
others to commit the wrongful conduct)
complained of herein, whose name or)
names are unknown to the Plaintiff at)
this time but which will be substituted)
by amendment when ascertained,)

Defendants.)

COMPLAINT

STATEMENT OF THE PARTIES

1. Plaintiff Denness R. Ellis. is an adult resident citizen of Bullock County, Alabama.



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LIBERTY MUTUAL FIRE INS. CO. 205 402 0687

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2. Defendant Mary E. Austin is an adult resident citizen of Montgomery County, Alabama, whose address for service is 3032 Southmall Circle Apts., Montgomery, Alabama 36116.

3. Defendant Liberty Mutual Fire Insurance Company is a foreign corporation whose address for service of process is 2000 Interstate Park, Suite 204, Montgomery, Alabama 36109

4. Fictitious Defendants A, B, C, D, & E are those persons, companies, partnerships, or other entities who caused or contributed to cause the injuries and damages alleged herein through their negligent and/or intentional conduct and/or who are the successors in interest to any of the named Defendants and/or who had supervisory control or the duty to supervise any of the named Defendants, whose names are not known to the Plaintiffs at this time but which will be substituted by amendment when ascertained.

5. Fictitious Defendants F, G, H, I and J, are those corporations, partnerships, other business entities or other individuals who conspired with the named Defendants to further the conduct described in the complaint and/or who acted either independently or participated with others to commit the wrongful conduct complained of herein, whose name or names are unknown to the Plaintiffs at this time but which will be substituted by amendment when ascertained.

6. All actions complained of herein took place in Bullock County, Alabama.

7. The Defendants have sufficient contacts with the State of Alabama and Bullock County to allow jurisdiction and venue to be asserted over it by this Court. The motor vehicle accident at issue in this case occurred in Bullock County, Alabama.

Defendant Liberty Mutual Fire Insurance Company has policies of insurance in full force and effect in Bullock County, Alabama.

8. Plaintiff brings this action solely under Alabama law.

9. Certain of Plaintiff's factual and legal allegations are made in the alternative as allowed by the Alabama Rules of Civil Procedure.

Statement of Facts

10. On July 28, 2005, Denness R. Ellis was operating an automobile in the eastbound lane of Blackmon Avenue, in Bullock County, Alabama and was stopped at the traffic light at the intersection of Blackmon Ave. and Prairie Street.

11. At said time, Defendant Austin was also operating a motor vehicle and was traveling eastbound on the same road as the Plaintiff.

12. The Plaintiff was traveling eastbound on Blackmon Avenue when Defendant Austin failed to keep a proper look out and yield to traffic as she was approaching the traffic light located at the intersection of Blackmon Ave. and Prairie Street.

13. Defendant Austin struck the Plaintiff from behind.

COUNT I NEGLIGENCE AND/OR WANTONNESS

15. Plaintiff realleges paragraphs 1 through 14 of his Complaint as if set out here in full.

16. Defendant Austin was negligent and/or wanton by driving a vehicle failing to keep a proper lookout, exceeding a safe speed, and/or failing to see what he should have seen, resulting in the collision that injured the Plaintiff.

17. As a direct and proximate result of this negligence and/or wantonness, the

Plaintiff was injured and damaged. She was bruised and contused. She incurred medical expenses and will incur medical expenses in the future. She has suffered and continues to suffer a great deal of physical injuries, pain and suffering, mental anguish and emotional distress. She has been otherwise injured and damaged.

COUNT II

18. Plaintiff realleges paragraphs 1 through 17 of his Complaint as if set out here in full.

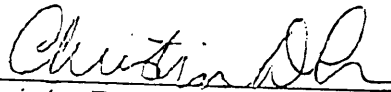
19. Defendant Liberty Mutual Fire Insurance Company had a contract of insurance coverage with the Plaintiff at the time of the accident made the basis of this claim.

20. Defendant Liberty Mutual Fire Insurance Company had a contract of insurance providing uninsured and underinsured insurance coverage at the time of the accident made the basis of this claim. Defendant Austin was uninsured at the time of the subject motor vehicle accident.

21. As a result of this contractual obligation, Defendant Liberty Mutual Fire Insurance Company is a necessary party to this action.

WHEREFORE, premises considered, Plaintiff respectfully requests relief as follows:

- A. Compensatory damages;
- B. Punitive damages;
- C. Her costs in this action;
- D. Such other relief as this Court may find appropriate.



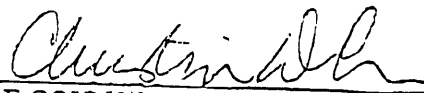
Christina D. Crow
Attorney for the Plaintiff

OF COUNSEL:

JENKS, DANIEL & CROW, P. C.
Post Office Box 350
Union Springs, AL 36089
(334) 738-4225

JURY DEMAND

Plaintiff requests a trial by jury on all issues in this case.



OF COUNSEL

FILED IN OFFICE

IN THE CIRCUIT COURT OF BULLOCK COUNTY, ALABAMA APR 0-8 2006

DENNESS R. ELLIS

Plaintiff,

-vs-

LIBERTY MUTUAL FIRE INS. CO.,
MARY E. AUSTIN,

Defendants.

CLERK-REGISTER, BULLOCK CO., ALA.

CIVIL ACTION NO. CV. 06-33

CIVIL SUMMONS

SERVICE BY CERTIFIED MAIL IS HEREBY REQUESTED BY THE PLAINTIFF UPON THE FOLLOWING DEFENDANT:

LIBERTY MUTUAL FIRE INS. CO.
c/o The Corporation Company
2000 Interstate Park, Suite 204
Montgomery, Alabama 36109

The Complaint which is attached to this Summons is important and you must take immediate action to protect your rights. You or your attorney are required to mail or hand deliver a copy of a written answer, either admitting or denying each allegation in the Complaint to the Plaintiff's Attorney:

CHRISTINA D. CROW
JINKS, DANIEL & CROW, P.C.
POST OFFICE BOX 350
UNION SPRINGS, ALABAMA 36089
(334) 738-4225

The Answer must be mailed or delivered within 30 days after this Summons and Complaint were delivered to you or a judgment by default may be entered against you for the money or other things demanded in this Complaint. You must also file the original of your Answer with the Clerk of this Court.

4-3-06
DATE

Wilbert M. Gernigan By: RME
CLERK OF COURT

CT CORPORATION
A Wolpelt-Muller Company

Service of Process
Transmittal
04/10/2006
Log Number 511067047

RECEIVED

APR 12 2006

H.O. LEGAL DEPT.
69932

TO: Gauri Patil
Liberty Mutual Insurance Company
Mail Stop 07A, 175 Berkeley Street
Boston, MA, 02116

RE: Process Served in Alabama

FOR: Liberty Mutual Fire Insurance Company (Domestic State: MA)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Denniess R. Eliss, Plt. vs. Liberty Mutual Fire Ins. Co., et al, DRs.
Name discrepancy noted.

DOCUMENT(S) SERVED: Civil Summons, Complaint

COURT/AGENCY: Bullock County Circuit Court, AL
Case # CV 06 33

NATURE OF ACTION: Insurance Litigation - Policy benefits claimed for personal injuries received as a result of vehicle collision.

ON WHOM PROCESS WAS SERVED: The Corporation Company, Montgomery, AL

DATE AND HOUR OF SERVICE: By Certified Mail on 04/10/2006 postmarked on 04/03/2006

APPEARANCE OR ANSWER DUE: 30 days

ATTORNEY(S) / SENDER(S): Christina D. Crow
Jinks, Daniel & Crow, P.C.
PO Box 350
Union Springs, AL, 36089

ACTION ITEMS: SOP Papers with Transmittal, via Fed Ex 2 Day, 791439375505

SIGNED: The Corporation Company
ADDRESS: 2000 Interstate Park Drive
Suite 204
Montgomery, AL, 36109
TELEPHONE: 334-337-7680

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